IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO.187 OF 1992

Trilokchand Aggarwal .. Petitioner
V/s
Union of India & Ors. .. Respondents

Mr.S.N.Kantawala for the Petitioner.
Smt.N.V.Masurkar for the Respondents.

CORAM: S.RADHAKRISHNAN &
J.P.DEVADHAR, JJ.

DATE : 09.03.2005.

P.C.:

1. Heard the learned Counsel for the parties. Perused the affidavit of the Respondents dated 16th April, 2002. It is the contention of the Petitioner that the matter was earlier heard by the Commissioner (Appeals) and orally the Petitioner was informed that the Appeal was allowed. However, the aforesaid affidavit of the Respondents indicates that the file of the Respondents is not traceable at all in their office. In paragraph No.2 of the said affidavit it is stated by the Respondents that if the Petitioner co-operates the Commissioner of Customs will pass an appropriate order within eight weeks. The learned Counsel for the Petitioner states that within a period of four weeks from today the Petitioner will co-operate and assist the Respondents in reconstructing the entire records so as to enable the Commissioner of Customs (Appeals) to hear the Appeal and pass an appropriate order.

2. In the aforesaid facts and circumstances, we direct the Petitioner to co-operate and assist the Respondents

in reconstructing the entire records within a period of four weeks from today. After reconstruting the entire records within a period of four weeks as aforesaid, the Commissioner of Customs (Appeals) is directed to hear the matter on its own merits and dispose of the same within a period of eight weeks, in accordance with law.

3. Writ Petition stands disposed of in the above terms.

(S.RADHAKRISHNAN,J.)

(J.P.DEVADHAR,J.)